

#### CITY OF NEWTON, MASSACHUSETTS

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Public Hearing Date: April 11, 2006 Land Use Action Date: June 6, 2006 Board of Aldermen Action Date: June 19, 2006 90-Day Expiration Date: July 10, 2006

TO: Board of Aldermen

FROM: Michael Krus ector of Planning and Development

Nancy Radze hief Planner Robert Merryman, Senior Planner

SUBJECT: Petition #124-06 of <u>VERIZON WIRELESS / I. ZUSSMAN 219 REALTY TRUST</u>

for <u>SPECIAL PERMIT/SITE PLAN APPROVAL</u> for installation of 12 façade mounted wireless antennae behind stealth panels, emergency generator, and associated equipment located at 219 Commonwealth Avenue, Chestnut Hill, MA, Ward 7 Section 63, Block 8, Lot 19 containing 10,347 sq. ft of land in a Multi

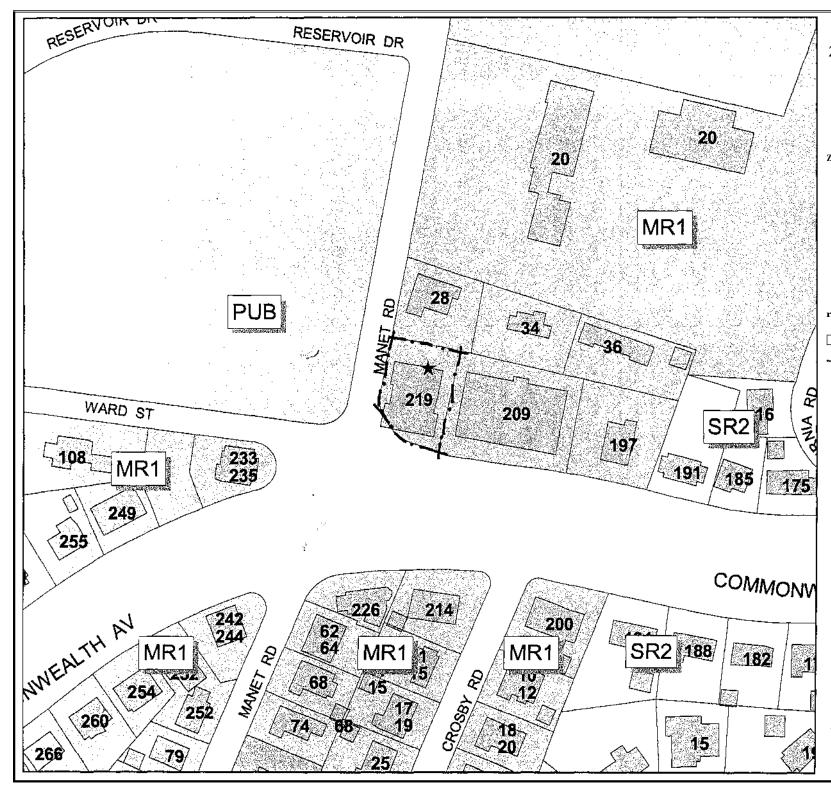
Residence 1 District.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

#### **EXECUTIVE SUMMARY**

The petitioner is seeking a special permit to install twelve (12) wireless telecommunication antennae, 2GPS antennae, and 2 condenser units on the roof of an existing 4%2-story multifamily dwelling. The other related ancillary equipment will be located in a basement storage area, underneath the rear parking lot.



#### 219 Commonwealth Avenue

### **Zoning Map**

ED Newton Boundary

Street Names

Bullcfings

**Zoning Districts** 

Single Res. 1 Single Res. 2 Single Res. 3

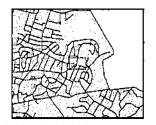
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Manuf. Multi-Res. 1 Multi-Res. 2 Multi-Res. 3

Maxed-Ue:b1 Mixed Use 2 4 , OS/Rec. Public Use

Property Boundaries

\_ Address Numbers



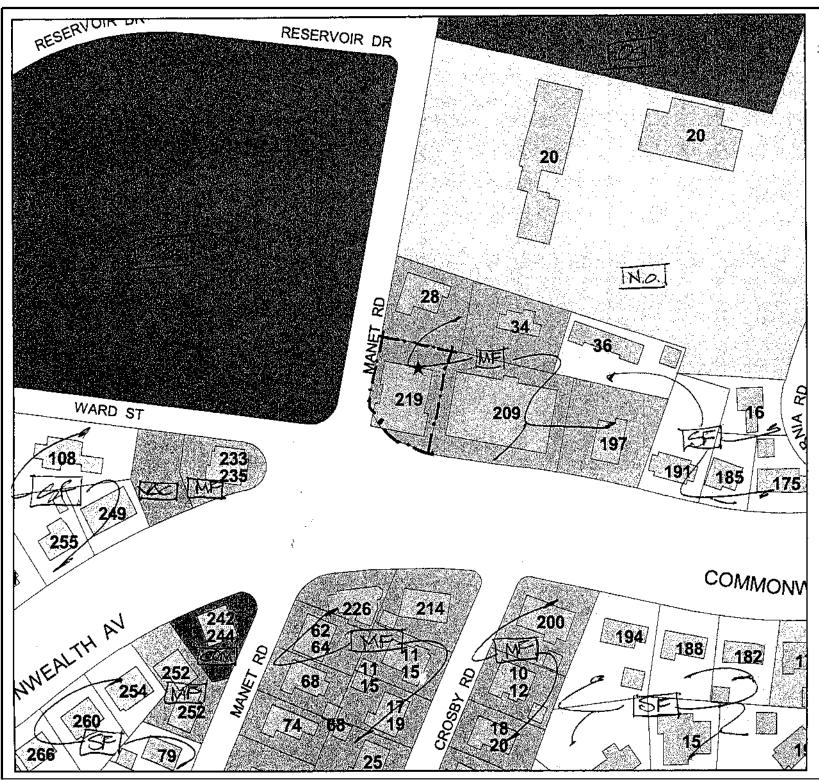
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219 Commonwealth Avenue

# Land Use Map Ei Newton Boundary

Land Use

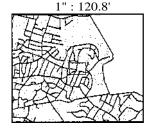
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Buildings

| Property Boundaries

Street Names

Address Numbers



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#### **ELEMENTS OF THE PETITION**

Verizon Wireless (Bell Atlantic Mobile of Mass. Corp.) seeks to install twelve telecommunications panel antenna and 2 GPS antennae on the roof of an existing 4V2-story apartment building known as "The Chestnut Hill." The proposed antennae would be façade mounted to the two existing penthouses – two antennae would be mounted on the south penthouse and the remaining ten antennae plus the 2 GPS antennae would be located on the north penthouse. The 12 antennae and 2 GPS antennae would be hidden from view behind fiberglass panels, which will be designed to mimic the existing penthouse facade(s). The petitioner has stated that the GPS units are intended to be located behind the fiberglass screen and not where they are depicted on the submitted plans. The plans show that the cable connection would run along the roof, in a cable tray, from the south penthouse to the north penthouse at which point it will be run inside the stairwell down to the basement storage room where the associated ancillary equipment will be located.

The petitioner is also seeking approval to allow for two condenser units to be located on the roof to cool the BTS units in the basement.

#### II. <u>BACKGROUND</u>

The roof of the subject property presently contains 3 wireless antennae located within a false chimney attached to the south penthouse. The Board approved these antennae on February 18, 2003, through Board Order # 270-02 (2). The other whip antennae and dishes are not for wireless communication, do not require building permits and are not subject to the City's ordinance.

#### DI **ZONING RELIEF SOUGHT**

Based on the Chief Zoning Code Official's review (SEE ATTA CHMENT "A"), the petitioner is seeking approvals through or relief from the following sections of the zoning ordinance:

- > Section 30-18A (e)(6) -- allows the Board of Aldermen to grant a special permit for building mounted wireless communication equipment on multi-family structures in a Multi Residence 1 District not otherwise allowed as-of-right.
- > Section 30-18A (10) allows the Board of Aldermen to grant a special permit for the 2 condensers on the roof
- > Section 30-24 allows the Board of Aldermen to grant a special permit for building mounted wireless communication equipment when Section 30-18A (a)&(c) have been satisfied.
- > Section 30-23 allows the Board of Aldermen to grant Site Plan Approval.
- > Section 30-24 would also allow the Board of Aldermen to grant an amendment to the existing special permit [B.O. #270-02(2)1 granted to Omnipoint Holdings in 2003.

#### IV. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing the petition, the Board of Aldermen should consider:

whether this is an appropriate location for a wireless installation; and

whether the addition of 12 new antenna with false penthouse walls and the associated cable tray on the roof will have an adverse impact on this historically significant building and/or the surrounding neighborhood

#### <u>V.</u> <u>CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD</u>

#### A. Site

The site consists of an approximately 10,347 square feet lot located on the north side of Commonwealth Avenue, along the carriage lane, in Chestnut Hill. The site is improved with a 41/2-story apartment building (circa 1899) which is individually listed on the State and National Registers of Historic Places.

The roof has an existing wireless antenna installation containing 3 antennae located within a faux fiberglass chimney that was approved by Board Order #270-02(2) in 2003 and also by the state and local historical commissions. The roof also has three existing whip antennae attached to the two penthouses, an existing dish type antenna and a GPS antenna. The whip antennae and dish antennae are not subject to building permits.

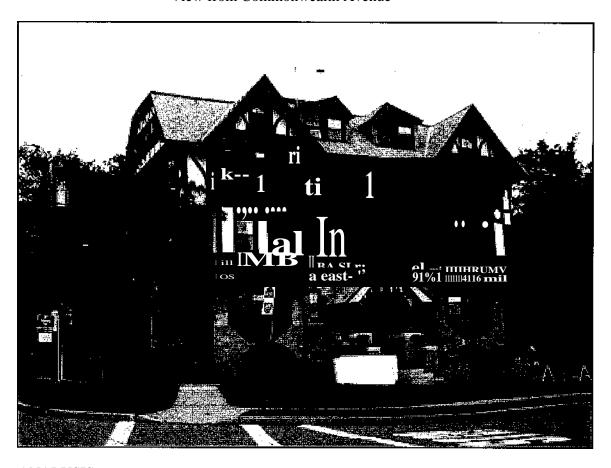
#### B. Neighborhood

The site is abutted to the north by 2 two-family dwellings and the Mount Alvernia Academy, to the west by the City's reservoir, and to the east by a 4-story condominium building. Across Commonwealth Avenue, to the south are predominantly two-family dwellings.

The subject site, the two abutting properties to the east, and the immediate neighborhood to the north and south are within a Multi Residence 1 District. The reservoir to the west is within a Public Use District. Just east, along both sides of Commonwealth Avenue, is a Single Residence 2 District.

It is worth noting that the Board of Aldermen also recently approved a wireless installation on the abutting property, 209 Commonwealth Avenue [Board Order #337-05]. The Board approved a somewhat larger installation of antennae behind a similar false penthouse wall and also approved all of the associated equipment to be placed on the roof behind a false penthouse wall.

#### View from Commonwealth Avenue



#### VI. ANALYSIS

#### A. Site Plan Approval – Section 30-23

Although the petitioner is required to seek Site Plan Approval with their Special Permit application, this petition includes not actual changes to the site, as all the equipment is either roof-mounted or located within the structure.

Per Section 30-18A(f), *Special Permit Procedure*, "...whenever an application for a special permit is required for wireless communication equipment, site plan approval in accordance with the provisions of section 30-23, except section 30-23(c)(2),1 shall be required..." In lieu of using the Site Plan Approval Criteria, the Board should consider using the design and operating criteria set forth in Section 30-18A(c).

<sup>&</sup>lt;sup>1</sup> Section 30-23(c)(2) defines the criteria that the Board shall use to consider an application for Site Plan Approval.

#### B. <u>Design and Operating Criteria – Section 30-18A(c)</u>

The proposed 12 antenna and 2 GPS antennae would be attached to the side of the existing penthouses (stairwells) with 10 antennae to be mounted on the north penthouse and 2 antennae to be mounted on the south penthouse. The 12 antennae would be screened behind a fiberglass screen imitating the penthouse facade. The petitioner has stated that the GPS units were originally intended to be placed behind the screening. The plans were drawn in error and will be changed to reflect that the GPS units will be behind the screen and not be visible. The north penthouse would contain 4 antennae on the west façade, 4 antennae on the north fade and 2 antennae on the east facade, all behind fiberglass facades. The south penthouse would contain 2 antennae on the on the east façade only. Although the antennae will not be visible, the petitioner has submitted 2 examples of Decibel Base station Antennae, six with dimensions of 48" X 6.5" X 4" and six with dimensions 40" X 8" X 8".

The plans show that the cable connection would run along the roof, in a cable tray, from the south penthouse and around the north penthouse where it will be run inside stairwell of the building down to the existing basement storage room under the parking area. The cable will run 15 feet from the south penthouse to the north penthouse. The cable trays lay flat on the roof and should not be visible.

The criteria for wireless communications equipment are specifically designed to address issues relating to a special permit for a façade mounted antenna installation, and cover the location of antennae and ancillary equipment, as well as screening and camouflaging.

The proposed antenna installation will meet the Design and Operating Criteria established in Section 30-18A(c) of the Zoning Ordinance

REQUIREMENT		C	COMPLIES		
		YES	NO	N/A	
1.	A statement from a radio frequency engineer or other qualified engineer certifying that the standards of the 1996 Telecommunications Act have been met.	X			
2.	The equipment must at all times be maintained in good and safe condition and comply with all applicable FCC standards and shall be removed within thirty (30) days of the date when all use of such equipment ceases. This applies to all wireless communication equipment and structures, including any existing equipment and structures	X			
3.	The equipment should be sited, screened, painted or otherwise finished to blend in with the building or structure on which it is mounted in a manner that aesthetically minimizes the visibility of the equipment.	X			
4.	Any fencing sued to control access to the equipment should be compatible with its surroundings.	X			
5.	Equipment boxes for building-mounted equipment should be either interior to the building on which it is located, completely camouflaged, and/or completely screened from view from the public way.	X			
6.	All freestanding wireless communication equipment should meet any setback requirements for the district in which it is located and should be screened from the public way.	x			
7.	No part of building-mounted wireless equipment shall be located over a public way.	X			
8.	Construction of the equipment should avoid major topographic changes and minimize the removal of trees and soil.	X			
9.	Installation of wireless communication equipment shall avoid the removal or disruption of historic resources on and off-site. 2	X			
10.	Wireless communication equipment shall not be illuminated, except as required by state and federal law.	X			
11.	Equipment owned and operated by an amateur radio operator shall be constructed at the minimum height necessary to accommodate communications in order to minimum the aesthetic impact.			X	
12.	Wireless communication should be maintained and operated in accordance with the City of Newton "Noise Ordinance." Applicants shall use best efforts to minimize noise from any external noise producing equipment, and should provide a report from a qualified acoustical engineer or other appropriate professional certifying that the proposed equipment meets the requirements of the Noise Ordinance.	X			

The Massachusetts Historical Commission has determined that the proposed installation would have "no adverse effect" on historic properties. (See Attachment "B" -- letter from Brona Simon, Massachusetts Historical Commission, dated May 26, 2005) The Newton Historical Commission has no jurisdiction over the site.

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Section 30-18A(c)(9) states that "historic resources...include designated historic structures or sites, historical architectural elements or archaeological sites and shall comply with the requirements of the historic district and the landmark preservation ordinances...."

study determined the lowest background noise at the site and used it as the base level. The proposed noise level is up to 3db's greater than the base level at the condenser location and at the residential property lines. The study does not include the possible noise effect on the residential units in the building. The petitioner stated that, if required by the Board, this information would be made available prior to the Land Use Committee's working session.

#### C. Relevant Special Permit Criteria

#### 1. The specific site is an appropriate location for such use/structure

Based on the information provided by the petitioner, the proposed installation is needed as part of a regional system to provide mobile phone service. The petitioner stated that the only other options in the immediate neighborhood include property owned by the City of Newton, Mount Alvernia Academy and Boston College. Unfortunately, these other site options are viable. The Planning Department notes that approval of this petition would result in the co-location of wireless equipment, which is encouraged by the Wireless Communications Ordinance.

#### 2. The use as developed and operated will not adversely affect the neighborhood

The petitioner is proposing to screen the 12 antenna behind a fiberglass screen-wall. Based on the submitted materials, the proposed fiberglass screen-wall will be designed and manufactured to match the existing penthouses. The north penthouse will have fiberglass screening on the west, north and east sides and the south penthouse will contain a screen on the east side. Based on the submitted plans, the screenwalls will not extend beyond the allowed maximum of 18" out from the face of the existing penthouse walls. Based on the height of the buildings, and the proximity of the penthouses from the edges of the roof, the Planning Department does not believe that these increases will be noticeable. There will be no increase in the height of the penthouses as a result of the addition of the screen walls.

The petitioner has stated that unlike the wireless installation at 209 Commonwealth Avenue all of the HVAC equipment, except the two roof-mounted condenser units, will be in the basement. The ancillary equipment in the basement should have little if any impact on the abutters and/or residents of building as the storage room where the equipment will be located is actually underneath the parking facility. The two condensers would be placed on the roof and would create minimum noise with a maximum increase of 3db's beyond background noise. Only one unit operates at a time and would only run to keep the equipment in the basement below the 90-degree level. The noise level was measured at the condenser location and at the residential property lines. Although the 2 fans are located next to a skylight, the petitioner has stated that the skylight does not open, but that it is located above a residential unit. The petitioner stated that they would provide sound

analysis at the skylight and would be amenable to further dampen the sound of the fans.

#### 3. There will be no nuisance or serious hazard to vehicles or pedestrians

The proposal is for an unmanned wireless station. As such, there should be no serious hazard to vehicles or pedestrians associated with this proposal.

## 4. Access to the site over streets is appropriate for the types and numbers if vehicles involved

The petitioner estimates that only one trip per month will be necessary for the maintenance of the equipment. The Planning Department believes the representatives from Verizon Wireless will simply park along the Commonwealth Avenue carriage lane. A dedicated parking space on-site is not necessary given the limited frequency of vehicular trips related to the wireless equipment.

#### VII. <u>SUMMARY</u>

The petitioner is proposing to locate 12 antenna and 2 GPS units on the sidewalls of the two existing penthouses, on the roof of an existing 4 ½ story apartment building. As proposed, the 12 antennae and the 2 GPS units would be hidden behind fiberglass screenwalls that would appear as part of the penthouses on top of the apartment building roof. In addition, the petitioner is seeking approval for two roof mounted condenser units, which the petitioner is proposing in order to cool the BTS units in the basement. The rest of the associated ancillary equipment will be located in a basement storage area that is located under the rear parking lot and, as such, should have little if any impact on the residents of this building and no impact on abutters. The cable connections from the antenna will be run in a cable tray lying flat on the roof, and then will enter the north penthouse and run down the stairwell to the basement. The cable and cable tray should not be visible from the public way and/or abutting neighbors.

With the use of the proposed fiberglass screenwalls and the location of the ancillary equipment in the basement, this proposed wireless installation should have minimal impacts on this historical significant structure, residents of this building or the surrounding neighborhood.

### Zoning Review Memorandum

## Proposed Wireless Communication Installation

Dt: January 25, 2006

To: Carl. W. Gehring, representing Bell Atlantic Mobile of Mass. Corp. LTD,

d/b/a Verizon Wireless

Fr: Juris Alksnitis, Chief Zoning Code Official

Cc: Mike Kruse, Director of Planning and Development John Lojek, Commissioner of Inspectional Services

Re: Proposed installation of wireless communication equipment on multi-family residential

building in residential zone

#### Applicant: Bell Atlantic Mobile of Mass. d/b/a Verizon Wireless

Site: 219 Commonwealth Ave. SBL: Section 63, Block 08, Lot 19

**Zoning:** MR-1 **Lot Area:** 10,347 sq. ft.

Use: Multi- unit apartment building

<u>i voo oi iiiotaiiatioii.</u>	Type	of	Instal	lation:
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/ / / /
Amateur, per Section 30-18A(d)(2)
Commercial interior-mounted, per Section 30-18A(d)(3)
Commercial interior-mounted, located in residential districts, per Section 30-18A(d)(3)
Commercial roof-mounted, located in residential districts, per Section 30-18A(e)(6)

☐ Commercial façade-mounted, per Section 30-18A(d)(5)

Residential, per Section 30-18A(d)(1)\*

Commercial interior-mounted, located in public use districts, per Section 30-18A(d)(6)

Non-residential satellite earth station antennas, per Section 30-18A(d)(7)\*

ar The applicant has submitted a copy of the application to the Director of Planning and Development for Administrative Site Plan review, per Section 30-18A(g) for compliance with Section 30-18A(c).

#### **Background:**

Prior Board Order #270-02(2) authorized Omnipointif-Mobile to install certain wireless communication equipment on the roof of the subject apartment building, a National Register District historical structure constructed in the 1890's. The current applicant, a competing wireless company, seeks to install additional wireless communication equipment on the roof at 219 Commonwealth Avenue as follows:

- Two panel antennae (behind new fiberglass screen) mounted on the east side of existing forward stairwell penthouse located approximately in the middle of the roof.
- Ten panel antennae (behind new fiberglass screens) mounted on three sides of existing rear stairwell penthouse located approximately in the middle of the roof.
- Two GPS antennae (behind new fiberglass screen) mounted on the south side of existing rear stairwell penthouse located approximately in the middle of the roof.
- Associated cable trays and condensers on the roof.
- Underground equipment room located within existing former coal storage space under parking area at the rear of the site.
- Generator in second underground room located at the northwest corner of the building within existing former coal storage space under the parking area.

The applicant seeks approval pursuant to Section 30-18A(e)(6), Wireless Communication Equipment Allowed by Special Permit due to its roof placement and location on a multi-family structure within a residential zone wherein such wireless equipment is not allowed as of right.

#### Administrative determinations

- 1. Section 30-18A(e)(6) requires a special permit for roof-mounted wireless communication equipment on a multi-family structure within a residential zone. The Board of Aldermen granted prior petition #270-02(2) dated February 18, 2003 to Omnipoint/T-Mobile to install certain wireless equipment on the rooftop. The current (new) applicant is a different petitioner proposing to install additional antennae on the same rooftop, but seeks a separate special permit applicable solely to their proposed installation. While this application may be handled either as an amendment to BO #270-02(2) or as a new special permit, the applicant requests a separate special permit. In such case the petitioner needs to provide a co-location statement describing the existing installation and area subject to BO#270-02(2) and certifying that the prior installation and plan of record will not be affected by the proposed installation. In any event, the building owner is required to be a co-petitioner.
- 2. Certain ancillary equipment, i.e. condensers, are proposed to be located on the roof instead of as required within the backyard, and requires a special permit per Section 30-18A(e)(10). However, the proposed generator and ancillary equipment will be placed in two separate rooms located entirely underground the rear parking area, and do not trigger this requirement.
- 3. The proposed fiberglass matching screen-walls (to camouflage 14 wall-mounted antennae panels and 2 GPS wall-mounted antennae on two stairwell penthouses) will not exceed the height of the existing penthouses. The existing nonconforming height of the subject building which is 44.5 feet instead of 30 will not be further increased.

- 4. The submitted plans and information comply with the Newton Zoning Ordinance unless otherwise noted below per the table titled "Summary Wireless Installation Criteria".
- 5. See table "Zoning Relief Summary" below.

	Summary - Wireless Installation Criteria			
Ordinance	er dans. Co	).		
-i0-18A(d)(1)	N'.	N/A		
	Amateurvit lion			
30-18A(d)(2)		N/A		
	rr rci <b>4i</b> o			
30-18A(d)(3)-(5)	Located in Business, Manufacturing, or Mixed Use zone	N/A		
30-18A(d)(4)	Although not subject to controls pertaining to installations located within a commercial zone, the proposed roof-mounted equipment meets above-roof height and edge-of-roof setback for building above 36ft. high.	Yes		
	gn teria			
30-18A(c)(1)	Applicant has submitted a report from a qualified professional indicating compliance with Federal and Mass. laws and regulations pertaining to radio frequency emissions and related requirements.	Yes		
30-18A(c)(1)	Applicant has submitted a copy of the applicable FCC licenses.	Yes		
30-18A(c)(2)	Applicant agrees to maintain equipment in good and safe condition and comply with all applicable FCC standards.	Yes		
30-18A(c)(3)	Proposed installation is suitably screened and camouflaged.			
30-18A(c)(4)	Fencing controlling access to installation is compatible with neighborhood.	N/A		
30-18A(c)(5)	Equipment boxes must be located in interior of building, be completely camouflaged, or completely screened from view from the public way.	Yes		
30-18A(c)(6)	Free standing wireless installation must meet setback requirements; shall be screened from the public way; shall be located in the rear yard of the subject lot.	N/A		
30-18A(c)(7)	No part of any building-mounted installation shall be located over a public way.	N/A		
30-18A(c)(8)	Installation avoids major topographic changes; minimizes removal of trees and soil in a manner compatible with appearance of neighborhood.	N/A		
30-18A(c)(9)	Installation avoids removal or disruption of historic resources on and off site.	Yes		
30-18A(c)(1 0)	Illumination complies. (Installation will not be illuminated.)	Yes		
30-18A(c)(11)	Complies with requirements pertaining to amateur radio operations.	N/A		
30-18A(c)(12)	Applicant has submitted a report from a qualified acoustical engineer indicating installation complies with City of Newton Noise Ordinance.	Yes		

	Zoning Relief Summary	
Ordinance	Action Red	
30-18A(e)(6)	Approval of multiple roof-mounted antennae (12 panels affixed to walls of two stairwell penthouses) and ancillary equipment within a fiberglass screen (painted to match penthouses) on a multi-family residential building in the MR-1 zone.	X
30-18A(e)(6)	Approval of 2roof-mounted gps antennae affixed to wall of stairwell penthouse and ancillary equipment within a fiberglass screen painted to match penthouse on a multi-family residential building in the MR-1 zone.	X
30-18A(e)(6)	Approval of roof-mounted cable trays and related ancillary equipment  Y residential building in the MR-1 zone.'	X
30-18A(e)(10)	Approval of ancillary equipment, i.e. condensers to be located on the <u>roof</u> instead of the back ard.	X
30-21(b); 30-15 Table 1	Not applicable	N/A
30-23	Ar)pr()% dl of ',ilt' plan iWPerriiit.	_
30-24(d)	Approval of special permit.	X
30-24(d) B 0#270-02(2)	Amend prior Board Order issued to Om ipoint/T-Mobile or yrovide a co-location statement (See Item #1, above.)	TBD*
	Not applicable.	N/A

TBD\* = To be determined.

#### References

- Board Order #270-02(2), dated February 18, 2003 granting a special permit for rooftop wireless installation by Omnipoint/T-Mobile at 219 Commonwealth Ave.
- Application packet prepared by Carl W. Gehring, dated November 21, 2005, stamped "received" by Planning and Development on December 13, 2005.

#### Plans reviewed:

- Plan set titled "Verizonwireless, The Chestnut Hill, 219 Commonwealth Ave., Newton, MA 02467", last revised 12/05/05, prepared by Bay State Design Assoc., Inc., 70 Tower Office Park, Woburn, MA 01801, stamped and signed by Ronald J. Jackson, Registered Professional Engineer, consisting of the following:
  - ➤ Sheet T-1, Title Sheet
  - ➤ Sheet C-1, Existing Conditions Plan, last revised 4/12/05
  - ➤ Sheet C-2, Site Plan
  - ➤ Sheet A-1, Roof Plan
  - ➤ Sheet A-2, Elevations



#### The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth Massachusetts Historical Commission

May 26, 2005

Thomas Dugan EBI Consulting Four A Street Burlington, MA 01803

RE: Proposed Telecommunications Installation

219 Commonwealth Avenue, Newton, MA; MHC# RC.31112

EBI Project #6105-010913

Dear Mr. Dugan:

The Massachusetts Historical Commission has reviewed the updated project information you submitted, received May 17, 2005, concerning the proposed project referenced above. The proposed project is located at 219 Commonwealth Avenue, historically known as The Chestnut Hill, which is individually listed on the State and National Registers of Historic Places. After a review of the information submitted, MI-IC staff have the following comments.

The proposed project involves installing twelve panel antennae mounted on the exterior walls on two existing penthouses on the roof of the subject property. The antennae will be hidden behind a screen wall that will match the existing penthouse color and texture. An equipment room and emergency generator will be installed in the basement.

After a review of the proposed plans submitted, I have determined that the proposed installation will have "no adverse effect" (36 CFR 800.5(b) and 950 CMR 71.07(2)(b)(2)) on historic properties.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800) and M.G.1<sub>4</sub>. Chapter 9, Section 26-27C, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71.00). Please do not hesitate to contact Jeffrey Harris of my staff if you have any questions.

Sincerely,

13-Lout. STAN-W 1

Brona Simon Deputy State Historic Preservation Officer Massachusetts Historical Commission

Newton Higodcal Coriss on boulevard, Boston, Massachusetts 02125 (617) 727-8470 • Fax: (617) 727-5128 vvvvw.sec.state.ma.us/mhc